

**V-83 [Amended]**

By deleting the words ", including an east alternate via INT Otto 019° and Santa Fe 117° radials"

**V-234 [Amended]**

By deleting the words "From Anton Chico, NM;" and substituting for them the words "From St. Johns, AZ, via INT St. Johns 085°T(073°M) and Albuquerque, NM, 229°T(216°M) radials; Albuquerque; INT Albuquerque 103°T(090°M) and Anton Chico, NM, 249°T(237°M) radials; Anton Chico;"

**V-19 [Amended]**

By deleting the words ", including a W alternate via INT Socorro 343° and Albuquerque 199° radials and also an E alternate via INT Socorro 015° and Albuquerque 160° radials"

**V-187 [Amended]**

By deleting the words ", From Albuquerque, NM, via" and substituting for them the words "From Socorro, NM, via INT Socorro 015°T(002°M) and Albuquerque, NM, 160°T(147°M) radials; Albuquerque;" (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

**Note.**—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on March 14, 1983.

**B. Keith Potts,**

*Manager, Airspace Rules and Aeronautical Information Division.*

[FR Doc. 83-7302 Filed 3-23-83; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****18 CFR Part 271**

[Docket No. RM79-76-129 (Missouri—1)]

**High-Cost Gas Produced From Tight Formations, Missouri; Withdrawal of Proposed Rule**

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. The Commission received a request from the Missouri Department of Natural Resources to withdraw a recommendation previously submitted to the Commission and published as a proposed rule (47 FR 36436, August 20, 1982) that the Pennsylvanian System located in Cass and Bates Counties, Missouri, be designated as a tight formation. The Commission grants the request for withdrawal of the recommendation, withdraws its proposed rulemaking and terminates this docket.

**EFFECTIVE DATE:** This rulemaking is terminated effective March 16, 1983.

**FOR FURTHER INFORMATION CONTACT:** Webster Gray, (202) 357-8731 or Randall Rich, (202) 357-8511.

**SUPPLEMENTARY INFORMATION:**

Issued: March 16, 1983.

On July 14, 1982, the Federal Energy Regulatory Commission (Commission) received from the Missouri Department of Natural Resources (Missouri) a recommendation in accordance with § 271.703 of the Commission's regulations that the Pennsylvanian System located in portions of Cass and Bates Counties, Missouri, be designated as a tight formation. Pursuant to § 271.703(c)(4), a Notice of Proposed Rulemaking was issued by the Director of the Commission's Office of Pipeline and Producer Regulation on August 17, 1982 (47 FR 36436, August 20, 1982), to determine whether the recommendation should be adopted. No comments were received in response to the Notice of Proposed Rulemaking, nor did any party request that a public hearing be held.

On January 3, 1983, the Commission received a request from Missouri to withdraw the recommendation that the Pennsylvanian System be designated as a tight formation.

The Commission hereby grants Missouri's request that the

recommendation be withdrawn and, accordingly, the Commission hereby withdraws its Proposed Rulemaking in this docket and terminates this docket. Such termination is without prejudice to any subsequent recommendation that Missouri may submit that the Pennsylvanian System be designated as a tight formation under § 271.703.

By the Commission.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-7567 Filed 3-23-83; 8:45 am]

**BILLING CODE 6717-01-M**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 114****Special Deposits**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Indian Affairs is publishing a proposed rule document which will provide procedures required to determine final ownership of funds which are on deposit in account 14X670 "Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Ownership." These funds are balances as of September 30, 1982, and interest accrued prior to that date, which have been transferred from account 14X8500 "Indian Moneys, Proceeds of Labor" pursuant to the Interior Department's FY 1982 Supplemental Appropriation Act. These rules will set forth procedures for the final determination of ownership of the funds and their eventual distribution to the rightful individual Indians and/or tribes.

**DATES:** Comments must be received on or before May 23, 1983.

**ADDRESSES:** Submit written comments to the Bureau of Indian Affairs, Financial Management, Division of Program Development and Implementation (Code 720), Room 4612, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Youngbird, Division of Program Development & Implementation, Bureau of Indian Affairs, Room 4622, 1951 Constitution Avenue, NW., Washington D.C. 20245, telephone number (202) 343-3630.

**SUPPLEMENTARY INFORMATION:** This proposed rule is published in exercise of authority delegated by the Secretary of

the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. "Indian Moneys, Proceeds of Labor," (IMPL, account 14X8500) are miscellaneous receipts collected by the Bureau of Indian Affairs (BIA) at BIA agencies and schools. Under authority found in 25 U.S.C. 162a, IMPL funds were included as a part of the BIA investment program. Prior to publication of 25 CFR Part 114 (formerly numbered 25 CFR Part 103b), interest earned from the investment of "special deposits" was deposited into the IMPL accounts.

Subsequent to publication of 25 CFR Part 114, interest earned on "special deposits" for the period beginning April 1, 1981, has been credited to the particular "special deposit" account on which the interest was earned. These proposed regulations are being developed to prescribe the procedures to be followed to determine ownership of the funds in account 14X8500 "Indian Moneys, Proceeds of Labor" as of September 30, 1982 which represents interest earned on "special deposits" and deposited into the IMPL accounts prior to the period ending March 31, 1981.

The following Acts have been passed leading to these regulations: (1) Pub. L. 97-100, dated December 23, 1981, 95 Stat. 1391 (the Fiscal Year 1982 Interior Department Appropriations Act); and (2) Pub. L. 97-257, dated September 10, 1982, 96 Stat. 83 (the Fiscal Year 1982 Interior Department Supplemental Appropriations Act).

Public Law 97-257 amended Pub. L. 97-100 and directs that: "No funds shall be deposited in such 'Indian money, proceeds of labor' (IMPL) accounts after September 30, 1982. The unobligated balance in IMPL accounts as of the close of business on September 30, 1982, including the income resulting from the investment of funds from such accounts prior to such date, shall be transferred to and held in escrow accounts at the locations of the IMPL accounts from which they are transferred. Funds in such escrow accounts may be invested \* \* \* and the investment income added to such accounts. The Secretary shall determine no later than September 30, 1985 (after consultation with appropriate tribes and individual Indians) the extent to which the funds held in such escrow accounts represent income from the investment of special deposits relating to specific tribes or individual Indians. Upon such determination by the Secretary and express acceptance of the determination by the beneficiary, the Secretary shall transfer such funds to trust accounts for such tribes or individual

Indians \* \* \*". The Act authorizes the utilization of up to 10% of the funds transferred for costs of legal or other representation relating to claims for such funds; and up to 2% to reimburse the BIA for administrative expenses incurred in determining ownership of the funds. The Act further authorizes the expenditure during the period of October 1, 1985 through September 30, 1987, of the funds remaining in such escrow accounts, " \* \* \* subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the respective governing bodies of the tribes at the locations where such accounts are maintained." (The funds may be expended before October 1, 1985 if a Secretarial determination on ownership and appropriate fund transfers have been completed.) The Act finally provides that any unobligated balances in the escrow accounts as of the close of business on September 30, 1987 shall be deposited into miscellaneous receipts of the U.S. Treasury.

These regulations are being published to set forth the procedures governing the determination of ownership and final distribution of funds which were on deposit in account 14X8500 "Indian Moneys, Proceeds of Labor" as of September 30, 1982 (including interest accrued prior to that date) and which have been transferred to account 14X6703 "Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Ownership" at the same locations where they are on deposit. Publication of these procedures as proposed regulations constitutes part of the consultation with interested tribes and individual Indians required by Pub. L. 97-257.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed rule. The primary author of this rule is Peggy Daniels, Division of Program Development and Implementation (Code 720), Room 4070, 19th and C Streets, NW., Washington, D.C. 20245.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act. It is estimated that it involves the disposition of less than \$20 million which will be

distributed among some 200,000 individual Indians, as well as a number of Indian tribes.

This proposed rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

The Department of Interior has determined that this document does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

#### List of Subjects in 25 CFR Part 114

Accounting, Indian—Business and finance.

Part 114 of Chapter I of Title 25 of the Code of Federal Regulations is proposed to be revised to read as follows:

#### PART 114—SPECIAL DEPOSITS

Sec.

114.1 Purpose and scope.

114.2 Definitions.

114.3 Investment of special deposit funds.

114.4 Payment and distribution of interest on special deposit funds.

114.5 Distribution of IMPL Escrow Account.

Authority: 25 U.S.C. 2; 25 U.S.C. 9; Pub. L. 97-100; and Pub. L. 97-257.

##### § 114.1 Purpose and scope.

The purpose of these regulations is to set forth the conditions governing the deposit, investment, and distribution of interest on funds held by the Bureau in special deposits; and to provide procedures required for determination of ownership and distribution of funds which are on deposit in account 14X6703, "Indian Moneys Proceeds of Labor Escrow Account—Pending Determination of Ownership".

##### § 114.2 Definitions.

(a) "Agency" means any field office of the Bureau officially designated as an Indian agency and which provides direct services at the local level to Indians and Indian tribes, who are recognized by the Bureau as eligible for federal services to Indians because of their status as Indians.

(b) "Agency IMPL Escrow Account" means that portion of the funds in 14X6703 identifiable to that agency.

(c) "Beneficiary" means a potential beneficiary who has signed an acceptance.

(d) "Bureau" or "BIA" means the Bureau of Indian Affairs, Department of the Interior.

(e) "Claimant" means an individual (or a tribe) who asserts an entitlement to a share of the IMPL Escrow Account but has not been determined as a potential beneficiary.

(f) "IMPL Escrow Account" means account 14X6703, Indian Moneys, Proceeds of Labor Escrow Account—Pending Determination of Beneficiaries, U.S. Treasury.

(g) "Potential Beneficiary" means an individual or tribe determined eligible to share in the IMPL Escrow Account provided a proper acceptance is received on behalf of the individual or tribe involved.

(h) "Principal account" means each separate payment or deposit of money to the Bureau which is held as a special deposit.

(i) "Special deposit" means any suspense account used for the temporary deposit of funds which cannot be credited to specific accounts or readily distributed, including, but not limited to:

- (1) Advance deposits;
- (2) Advance deposits on other leases and permits for such Indian lands;
- (3) Advance payments and advance deposits required on sales of timber and other natural resources from such Indian lands;
- (4) Deposits for rights of way over such Indian lands and anticipated right-of-way damages held until such damages are determined; and
- (5) Deposits for grazing fees on such Indian lands.

(j) "Special deposit funds" means those funds held in special deposits.

(k) "Superintendent" means the Bureau official in charge of a Bureau agency.

#### § 114.3 Investment of special deposit funds.

It is the policy of the Bureau to invest all special deposit funds which have been paid to the Bureau on behalf of Indians or Indian tribes pending the eventual payment for the sale, lease, or other transfer of tribal or individual Indian property and funds which are deposited solely for the purpose of guaranteeing performance.

#### § 114.4 Payment and distribution of interest on special deposit funds.

(a) It is the general policy of the Bureau that interest and earnings from the investment of special deposit funds be credited to the principal accounts upon which the interest was earned.

(b) At the time that a withdrawal is made from a special deposit account, the interest earned by the principal account being withdrawn will be computed and withdrawn from the account as a part of the same transaction. The interest earned by the subject principal amount will be computed into two parts:

(1) The portion of interest credited during the prior interest period which was attributable to this principal, and

(2) The portion of interest which has been earned by this principal amount but has not yet been credited to the account because the interest period is not complete. This will be computed by using the month-end balances since the last interest period times the last period's factor.

(c) No interest will be distributed to accounts which have less than the minimum average month-end balances as determined by the Division of Accounting Management. Any such interest not distributed would remain in the undistributed interest account at the Bureau level to be included in determining the next six month interest factor.

#### § 114.5 Distribution of IMPL Escrow Account.

(a) *Determination of potential beneficiaries.* Each agency will determine the potential beneficiaries and their respective shares of the IMPL Escrow Account at that agency by the following method:

(1) Identify the unobligated balance in the agency IMPL account as of September 30, 1982, and interest accrued for the period ending September 30, 1982, which has subsequently been transferred into account 14X6703 IMPL Escrow Account Pending Determination of Ownership. This amount will be called the agency IMPL Escrow Account balance.

(2)(i) Identify the length of time which has been required to accumulate actual income into the former IMPL account to equal the current agency IMPL escrow account balance.

(ii) To determine the beginning date for ownership computations, subtract the length of time identified in paragraph (a)(2)(i) of this section from April 1, 1981. (Subsequent to April 1, 1981, interest earned on special deposits has been credited directly to each special deposit account rather than to an IMPL account.)

(3) Examine the Individual Indian Money (IIM) accounts to determine the total dollars transferred to each account from the principal in special deposit accounts during the period identified in paragraph (a)(2) of this section.

(4) Examine tribal treasury account records to determine the total dollars transferred to each tribal trust account from the principal in special deposit accounts during the period identified in paragraph (a)(2) of this section.

(5) Determine the percentage of the principal transferred from special deposit accounts into each IIM and

tribal trust account. This is done by dividing the total amount of principal transferred from special deposit accounts into all accounts at the agency into the total computed for each IIM and tribal trust account pursuant to paragraphs (a)(3) and (4) of this section. The formula is as follows:

$$\frac{\text{Dollars transferred into an account}}{\text{Total dollars transferred by agency into all accounts}} = \text{Percent share for that account}$$

(6) Multiply this percentage by the agency IMPL Escrow Account balance to determine each potential beneficiary's share of that balance. Should this determined share be less than ten dollars (\$10.00) no transfer of funds will be made.

(b) *Notification of Determination of Potential Beneficiaries.* Upon completion of the determination of all potential beneficiaries of an agency IMPL Escrow Account, the Superintendent shall publish a general notice which shall contain the following:

- (1) Brief history of agency IMPL Escrow account;
- (2) Explanation of method of determination of potential beneficiaries;
- (3) Information on availability of specific data;

(4) Instruction to potential beneficiaries on completion of acceptance forms, explaining that only those who complete the acceptance forms can receive any funds; and

(5) Establishment of deadline date by which potential beneficiaries must complete the acceptance forms to receive the funds. This deadline will be 180 days from the date of the general notice. This general notice shall be published in the usual and customary manner for making public such documents. If such usual and customary publication does not include posting on the agency bulletin board and publication in at least one local newspaper of general distribution, the posting on the bulletin board and local newspaper publication shall be done in addition to the usual and customary manner of publication.

(c) *Acceptance by potential beneficiary.* Before the funds identified in paragraph (a) of this section as transferable to an individual or tribal beneficiary can be deposited into that beneficiary's account the following must be completed:

(1) The beneficiary must sign an acceptance of the determination by the Secretary which shall constitute a complete release and waiver of any and all claims by the beneficiary against the United States relating to the unobligated balance of IMPL accounts as of the close of business on September 30, 1982.

(2) The acceptance must be signed during the 180 days between the date of the general notice provided for in paragraph (b) of this section and the deadline date established therein.

(3) In the case of a tribal beneficiary, the acceptance must be accompanied by a resolution of the appropriate tribal entity approving the acceptance and authorizing designated tribal representative(s) to sign the acceptance. An acceptance on behalf of an estate account may be signed by the Superintendent if the determination of heirs has not become final and may be signed on behalf of individual inherited shares by each heir if the probate determination has become final. An acceptance on behalf of a minor may be signed by a parent, guardian or a person acting *in loco parentis*. An acceptance on behalf of an adult who has been determined legally incompetent or in need of assistance in managing his/her affairs pursuant to 25 CFR 115.9 may be signed by his/her authorized representative.

(d) *Distribution.* (1) After the expiration of the deadline established in paragraph (b) of this section, funds of individual beneficiaries who have completed the acceptance forms will be transferred from the IMPL Escrow Account into each beneficiary's IIM account. Funds derived from beneficiary estate accounts for which the heirs have been determined will be transferred into the heirs' accounts. Funds derived from beneficiary estate accounts for which the heirs have not been determined will be transferred into the estate account.

(2) Interest accrued for any period after October 1, 1982 will be credited to the beneficiary accounts on the same percentage basis as the original share.

(3) After the expiration of the deadline established in paragraph (b) of this section, funds of a tribal beneficiary and interest earned thereon since October 1, 1982 will be transferred into the appropriate tribal treasury account.

(4) Not more than ten percent (10%) of the funds which may be transferred to a trust account for any tribe, or to an IIM account for an individual, may be utilized to pay for legal or other representation relating to claims for such funds.

(5) Not more than two percent (2%) of the funds which may be transferred to a trust account for any tribe, or to an IIM

account for an individual, may be utilized by the BIA to reimburse the BIA for administrative expenses incurred in determining ownership of the funds.

(e) *Appeals.* (1) Any potential beneficiary or claimant may appeal any decision made or action taken by a Superintendent under this section. Such appeal shall be made in writing and submitted as provided in 25 CFR Part 2.

(2) As provided in Part 2, the appeal must be received within 30 days after receipt of the written notice advising the potential beneficiary of his/her share of the IMPL Escrow account or advising the claimant that no share has been determined for him/her. No appeals will be accepted under this section after September 30, 1985.

(f) *Distribution of residual funds.* (1) After final administrative determination of ownership, including final determination of all appeals, and the completion of all appropriate fund transfers, but not later than October 1, 1985, any funds remaining in an agency IMPL escrow account may be expended subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the governing body(s) of the tribe(s) at the location(s) where such agency IMPL escrow account is maintained. This authority to expend the escrow account funds ends September 30, 1987.

(2) The unobligated balances of all IMPL escrow accounts as of the close of business on September 30, 1987, shall be deposited into miscellaneous receipts of the U.S. Treasury.

Dated: February 25, 1983.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-7850 Filed 3-23-83; 8:45 am]

BILLING CODE 4310-02-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Ch. I

#### [CGD 78-035]

#### Waste Reception Facilities

**AGENCY:** Coast Guard, DOT.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** The purpose of this notice is to solicit public comment on all aspects of a suggested regulatory scheme for implementing the waste reception facility requirements of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the 1978 Protocol relating thereto

(MARPOL 73/78), and to solicit information for use in analysis of the various alternatives presented. Any resulting regulations will address criteria of adequacy for reception facilities and administrative procedures for a Certificate of Adequacy, as mandated by The Act to Prevent Pollution from Ships, 1980 (the Act). This notice is the first step in a rulemaking procedure that implements the requirements of MARPOL 73/78 that would reduce open ocean discharge of pollutants, by ensuring the provision of reception facilities to receive pollutants retained onboard seagoing ships.

**DATE:** Comments must be received on or before June 22, 1983.

**ADDRESS:** Comments may be submitted to Commandant (G-CMC/44), U.S. Coast Guard, 2100 Second Street SW, Washington, D.C. 20593. Comments will be available for examination and copying at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street SW, Washington, D.C. 20593, between 8:00 a.m. and 4:00 p.m. Monday through Friday, except holidays.

#### FOR FURTHER INFORMATION CONTACT:

Lieutenant Ellis H. Davison, II, Project Manager, Office of Marine Environment and Systems, (G-WPE-3), telephone 202-426-9578. Normal working hours are between 7:30 a.m. and 4:00 p.m. Monday through Friday, except holidays.

#### SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 78-035) and the specific issues of this Advance Notice to which their comments apply, and give reasons for each comment. If acknowledgment is desired, a self-addressed, stamped post card should be enclosed. All comments received will be considered before further rulemaking action is taken on this proposal. No public meeting is planned, but one may be held at a time and place to be set in a later notice in the Federal Register if requested in writing by a sufficient number of interested persons raising genuine issues and the Coast Guard determines that the opportunity to make oral presentation will aid the rulemaking process.

#### Need

This rulemaking will implement those parts of MARPOL 73/78 which require contracting states to ensure that reception facilities are available to